



# United States Senate

WASHINGTON, DC 20510-0905

BILL NELSON  
FLORIDA

July 28, 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, DC 20460

Dear Administrator Jackson:

I'm writing today to apprise you of some Florida-specific implications of the Environmental Protection Agency's (EPA) proposed rule, Disposal of Coal Combustion Residuals (CCR) From Electric Utilities.

Specifically, Florida law prohibits hazardous waste landfills within the state. If EPA regulates CCR as hazardous, these materials would have to be shipped out of the state, likely on trucks that use oil and emit greenhouse gases, and the associated cost of disposal would likely be passed on to consumers. The Florida Department of Environmental Protection (FDEP) submitted a letter to EPA on November 18, 2010 suggesting that disposal of CCRs is more appropriately regulated as solid waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).

Additionally, there are facilities in Florida that utilize coal ash in a constructive way—using it to manufacture wallboard and concrete. EPA has expressed support for these types of encapsulated disposal methods, which may be called into question by a decision to regulate CCR as hazardous waste.

I appreciate your consideration of the potential Florida-specific implications of the proposed rule on disposal of Coal Combustion Residuals.

Sincerely,

A handwritten signature in black ink that reads "Bill Nelson".